

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF ALABAMA**

**JOHN DEERE CONSTRUCTION &
FORESTRY COMPANY, INC., a
Delaware corporation, and DEERE &
COMPANY, a Delaware corporation,**

PLAINTIFFS,

V.

**DREW HOOVER AND KIMBERLY
HOOVER,**

DEFENDANTS.

CASE NO. 2:07CV150-MHT

NOTICE CONCERNING SETTLEMENT CONFERENCE AND MEDIATION

COME NOW the Plaintiffs, John Deere Construction & Forestry Company, Inc. and Deere & Company, by and through counsel and provide notice, pursuant to this Honorable Court's uniform scheduling order, April 20, 2007, of a settlement conference and discussion of mediation, and in support thereof, say as follows:

1. A judgment has been entered against Kimberly Hoover and Ms. Hoover was not invited to participate.
2. Counsel for Plaintiffs; John Deere Construction & Forestry Company, Inc., Deere & Company; and Counsel for Defendant, Drew Hoover, met and discussed settlement. During the settlement conference, it was discussed that Mr. Drew Hoover's company, Broken Arrow Farm, LLC, is required to file a plan of reorganization in September 2007; and at this time counsel for both Mr. Hoover and Broken Arrow Farm, LLC, stated it was said counsel's opinion the afore-referenced limited liability company would be filing a Chapter 11 Plan or reorganization proposing to pay in full the balances owed the Plaintiff which are the subject of the instant suit.

3. Although there is certainly the potential a Chapter 11 Plan of Broken Arrow Farm, LLC, may not be confirmed and, thereafter, stay relief might be obtained to permit recovery and liquidation by the Plaintiff of its collateral, it is not anticipated after said collateral is liquidated there would be any issue or dispute concerning any deficiency balance.

Respectfully submitted August 9, 2007.

Memory & Day

By: /s/ James L. Day
James L. Day
ASB-1256-A55J

Von G. Memory
ASB-8137-071V

Attorneys for John Deere
Construction & Forestry Company

OF COUNSEL:

Memory & Day
Post Office Box 4054
Montgomery, AL 36103-4054
Tel (334) 834-8000
Fax (334) 834-8001

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document on the following, by:

☒ placing same in the United States Mail, postage prepaid, and properly addressed

☐ facsimile

☐ hand delivery

☐ delivered in open court

on August 9, 2007.

Collier H. Espy, Jr., Esq.
Espy, Metcalf & Espy
PO Box 6504
Dothan, AL 36302-6504

/s/ James L. Day
OF COUNSEL